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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,640	08/04/2000	Jean M. Goldschmidt Iki	042390.PP4495C	2303

7590 02/19/2004
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard 7th Floor
Los Angeles, CA 90025

EXAMINER

RETTA, YEHDEGA

ART UNIT PAPER NUMBER

3622

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,640

Applicant(s)

GOLDSCHMIDT IKI ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 46-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 46-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to the communication filed December 1, 2003. Claims 1-20 and 46-66 are now pending.

Response to Arguments

Applicant's arguments filed December 1, 2003 have been fully considered but they are not persuasive.

Applicant in his argument states that the prior art (Pickett) does not teach "sending transaction information via a broadcast channel" and an "electronic commerce system". Applicant states that Pickett teaches user accessing a Web page containing an order form, the Web page being from Internet site sent to user's web site browser. Applicant also states that the Pickett teaches an entity that is selling products or service not an "electronic commerce system". According to applicant's specification the "electronic commerce system" is a system which sends transaction information and stores sensitive information such as credit information and forwards the information to another server (see applicant's specification page 6 lines 8-25 & page 7 lines 1-7). According to the specification the data is sent via the Internet (see page 6). On page 9 lines 6-18, the specification discloses an entertainment system 200 configured to receive broadcast data from any or all of the following sources: cable broadcast, satellite broadcast, VHF or UHF, telephone/computer network interface 244. In light of Applicant's specification and as broadly interpreted, Pickett teaches an "electronic commerce system", entity that sell the product or service which sends transaction information to client, sending transaction information via a

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broadcast channel (the Internet) and forwarding the transaction and consumer information to a server system (Credit card company).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 13-19, 46-55, 57-65 and 67 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Pickett. U.S. Patent No. 6,012,144.

Regarding claims 1-7, 13 Pickett teaches sending transaction information, with broadcast data, to consumer from an electronic commerce ... using Internet/computer network interface; receiving transaction request at the electronic commerce... sending the transaction request and consumer information via secure channel from electronic commerce to server, using Internet connection (see col. 3 line 43 to col. 8 line 56).

Regarding claims 8, 9, 54, 55, 64 and 65 Pickett teaches verifying consumer ...(see col. 6 line 59 to col. 7 line 12).

Regarding claims 14-19 Pickett teaches sending transaction information, with broadcast data, to consumer from an electronic commerce... using Internet/computer network interface; receiving transaction request at the electronic commerce... sending the transaction request and

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consumer information via secure channel from electronic commerce to server, using Internet connection (see col. 3 line 43 to col. 8 line 56).

- Regarding claims 46-53 and 57 Pickett teaches sending transaction information, including information about a product or service, through a broadcast communication medium, to consumer from an electronic commerce ... using Internet/computer network interface; receiving transaction request at the electronic commerce... forwarding the transaction request and consumer information via secure channel from electronic commerce to server, using Internet connection (see col. 3 line 43 to col. 8 line 56).

Regarding claims 58-63 and 67 Pickett teaches sending transaction information, including information about a product or service, through a broadcast communication medium, to consumer from an electronic commerce ... using Internet/computer network interface; receiving transaction request at the electronic commerce... forwarding the transaction request and consumer information via secure channel from electronic commerce to server, using Internet connection (see col. 3 line 43 to col. 8 line 56).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 10-12, 20, 56 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett. U.S. Patent No. 6,012,144 and further in view of Randle et al. U.S. Patent No. 5,974,146.

Regarding claim 10-12, 20, 56 and 66, Pickett does not explicitly teach verifying business and information containing at least one of name, address etc. Randle teaches a central clearinghouse representing banks verifying merchants by performing identification protocol to assure the customer and the merchants are valid. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Pickett's transaction system and Randle's "hot file" in order to assure customers and merchants are legitimate.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

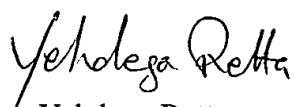
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yehdega Retta
Examiner
Art Unit 3622

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